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March 2, 2008

Hon. Lewis A. Kaplan
United States District Judge
Southern District of New York
500 Pearl Street
New York, N.Y. 10007

Re: GMA Accessories v. ePartners
Incorporated, Civil Action No. 07-8414 (LAK)

Dear Judge Kaplan:

Our firm is local counsel to defendant ePartners Incorporated (“ePartners”) with Hermes Sargent Bates, LLP of Dallas, Texas. We write to request the Court’s assistance with regard to a deposition we recently learned plaintiff’s counsel intends to take on Monday, March 3, 2008, despite the fact that we repeatedly advised plaintiff’s counsel our Texas-based co-counsel would not be able to attend the deposition on the date it unilaterally scheduled.

On February 14, 2008, we received a deposition subpoena served on defendant’s former employee, Jeff Ploshnick, demanding that he appear for a deposition on March 3, 2008 at 10:00 am. After receiving a copy of this deposition subpoena – the third deposition unilaterally scheduled by plaintiff’s counsel – we advised counsel for plaintiff in writing that counsel would not be able to attend the deposition. We received no response to our letter and in the late afternoon on February 29, 2008, we learned from Mr. Ploshnick that plaintiff’s counsel had contacted him orally and in writing to confirm his deposition on March 3, 2008.

We respectfully request the Court’s intervention to prevent this ambush deposition from going forward. Not only did we repeatedly inform plaintiff’s counsel that defendant’s counsel was unavailable on March 3, 2008, plaintiff is yet to produce outstanding discovery that we require to adequately prepare for Mr. Ploshnick’s deposition. We will call the Court with plaintiff’s counsel around 10:00 am tomorrow, Monday, March 3rd in the hope that the Court could provide some guidance as to how we should proceed. We also wish to advise the Court that a motion to quash the deposition subpoena and for a protective order will be filed via ECF in the morning.

We regret that we have been forced to inconvenience this Court with what should be routine discovery matters.

Respectfully yours,

/S/ Peter Brown

Peter Brown

cc: John Bostany, Esq.
Amy E. Davis, Esq.
Anthony Lowenberg, Esq.